

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUSSELL MARTIN,

No C-08-4067 VRW (PR)

Plaintiff,

v

ORDER REFERRING PLAINTIFF TO  
FEDERAL PRO BONO PROJECT;  
CONTINUING STAY OF PROCEEDINGS

M S EVANS, Warden, et al,

Defendant(s) .

\_\_\_\_\_ /

Per order filed on March 2, 2010, the court denied defendants' motion for summary judgment on plaintiff's excessive force and retaliation claims against defendants Beatty and Boccella in this prisoner action for damages under 42 USC § 1983. The court found that, when viewed in the light most favorable to plaintiff, there are genuine issues for trial on plaintiff's claims and that qualified immunity is not in order as a matter of law. Doc #36. The court referred the matter to Magistrate Judge Vadas for mediation proceedings pursuant to the Pro Se Prisoner Mediation Program, Doc #37, held on July 7, 2010, but the matter did not settle. Doc #45.

1           Plaintiff being in need of counsel to assist him in  
2 further proceedings in this matter, and good and just cause  
3 appearing,

4           IT IS HEREBY ORDERED that plaintiff shall be referred to  
5 the Federal Pro Bono Project in the manner set forth below:

6           (1) The clerk shall forward to the Federal Pro Bono  
7 Project: (a) a copy of this order, (b) a copy of the court file,  
8 and (c) a brief memorandum outlining the facts and procedural  
9 posture of the action.

10          (2) Upon an attorney being located to represent  
11 plaintiff, that attorney shall be appointed as counsel for plaintiff  
12 in this matter until further order of the court.

13          (3) The stay of proceedings currently in place is  
14 continued until four weeks from the date an attorney is appointed to  
15 represent plaintiff in this action.

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17           IT IS SO ORDERED.

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21           VAUGHN R WALKER  
22           United States District Chief Judge